

Message Text

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ACTION VO-03

INFO OCT-01 SCA-01 ISO-00 /005 W
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R 060747Z AUG 76

FM AMCONSUL FRANKFURT
TO SECSTATE WASHDC 5050

UNCLAS FRANKFURT 5920

E.O. 11652: N/A

TAGS: CVIS, GW

SUBJ: STATESIDE CASES

REF: 22 CFR 42.110; 75 DEPT A-1828; 74 DEPT A-3708

1. IN RECENT MONTHS THIS POSTS HAS RECEIVED INCREASING
NUMBER OF REQUESTS FOR ACCEPTANCE OF IMMIGRANT VISA CASES
OF ALIENS IN U.S. CORRESPONDENCE FROM ATTORNEYS, BUSINESS
FIRMS AS WELL AS ALIENS THEMSELVES INDICATE THAT THEY PREFER
TO APPLY FOR IMMIGRANT VISAS AT CONSULAR POSTS, RATHER
THAN APPLY FOR ADJUSTMENT OF STATUS WITH INS UNDER SEC.
245 OF INA. TWO PRINCIPAL REASONS GIVEN ARE: (1) ADJUSTMENT
OF STATUS PROCESSING TAKES TOO LONG, FREQUENTLY ESTIMATED
ONE YEAR OR LONGER, BECAUSE OF BACKLOGS AT INS OFFICES; AND
(2) APPLICANTS MUST TRAVEL ON BUSINESS AND WILL RISK
DENIAL OF SEC. 245 APPLICATION IF THEY DEPART U.S. BEFORE

PROCESSING IS COMPLETED. WRITERS BELIEVE VISA PROCESSING
WOULD BE QUICKER AND APPLICANTS CAN LEAVE AND RETURN TO U.S.
IN NIV STATUS WHILE IV APPLICATIONS ARE IN PROCESS AT
CONSULAR POSTS.

2. THESE CASES ARE NOT IMMEDIATE RELATIVES BUT INVOLVE
SIXTH AND NONPREFERENCE APPLICANTS, INCLUDING THOSE
WHO SEEK INVESTOR IMMIGRANT STATUS. MOST APPLICANTS
ARE NATIVES OR LAST RESIDENTS OF FEDERAL REPUBLIC OF
GERMANY.

3. POST IN PAST ACCEPTED "STATESIDE" CASES WHICH MET
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GENERAL CRITERIA SET FORTH IN CFR AND DEPARTMENTAL

CIRCULAR AIRGRAMS. OUR EXPERIENCE HAS BEEN THAT THESE CASES GENERATE MORE VOLUME OF CORRESPONDENCE; RESPONSES FROM APPLICANTS ARE SLOWER BECAUSE OF LONGER DISTANCE, WHILE APPLICANTS CLAIM CONSULAR OFFICER'S NOTIFICATIONS ARE LATE; SOME APPLICANTS COMPLAIN THAT VISA APPOINTMENT LETTERS WHICH GO OUT AFTER RECEIPT OF VISA NUMBERS DO NOT ALLOW THEM SUFFICIENT TIME TO APPEAR AT CONSULAR OFFICE ON APPOINTED DAYS (SOME DEMAND SEVERAL WEEKS ADVANCE NOTICE SO THAT THEY CAN ADJUST THEIR BUSINESS COMMITMENTS, FAMILY AFFAIRS, CHILDRENS SCHOOL SCHEDULE, ETC). PUBLIC RELATIONS PROBLEMS INCREASE RATHER THAN DECREASE, AND CURRENT NONPREFERENCE CUTOFF HAS AGGRAVATED THIS SITUATION. POST OFTEN MUST RETURN VISA NUMBERS TO DEPARTMENT AND REQUEST THEM FOR ANOTHER MONTH FOR SAME APPLICANTS. WHILE IT IS GOOD AND WELL FOR CONSULAR OFFICERS TO BE ACCOMMODATING TO STATESIDE APPLICANTS, END RESULTS PROVE TRAUMATIC EVEN FOR APPLICANTS THEMSELVES.

4. CAN CONSULAR OFFICER ACCEPT STATESIDE CASES ON SAME CONDITION AS "OUT OF DISTRICT" CASES THAT APPLICANTS BE READILY AVAILABLE TO CONSULAR OFFICER DURING PERIOD OF IV PROCESSING?

5. THIS MESSAGE IS INTENDED TO ADVISE DEPT OF RECENT TREND. ITS URGENCY HAS ARISEN BECAUSE ONE ATTORNEY HAS JUST INFORMED POST THAT A CLIENT FIRM HAS ABOUT A DOZEN EMPLOYEES WHO ARE SEEKING PERMANENT RESIDENT STATUS. POST ALSO HAS TO ANSWER SEVERAL OTHER REQUESTS. DEPARTMENTS EARLY REPLY REQUESTED. LEHMANN

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